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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,985	04/11/2001	Takashi Kinoshita	Q63469	8913

7590

06/09/2004

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EXAMINER

CHANG, VICTOR S

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/829,985

Applicant(s)

KINOSHITA ET AL.

Examiner

Victor S Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17 and 19-27 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 17 and 19-27 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The Examiner has carefully considered Applicants' amendments and remarks filed on 5/3/2004. Applicants' amendments to claims 17, cancellation of claim 1, 5, 8, 9, 10, 12, 13, 15 and 18, and newly added claims 19-27 have all been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Rejections not maintained are withdrawn.

Response to Amendment

4. Claims 17 and 19-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaoka et al. (US 5616420) in view of Arakawa et al. (US 5264281).

It is noted that newly amended claim 17 now recites in part "said layer A comprising an amorphous polyolefin, a thermoplastic elastomer and an inorganic filler selected from the group consisting of talc and zeolite" and "at least one of said layer A and said layer B comprising, as said thermoplastic elastomer, a polyolefin thermoplastic elastomer".

For claims 17, 19-22 and 27, the Examiner repeats (see Paper No. 012704, page 3) that Yamaoka's invention is directed to a laminate film, which can be used as substrates, i.e., backings, for adhesive tapes (column 1, lines 49-54). Yamaoka also teaches that the intermediate layer A comprises a resin of 20 to 100% by weight of an amorphous polyolefin (which containing at least 50% by weight of a propylene and/or

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butene-1) and 80 to 0% by weight of a crystalline polypropylene (column 1, line 63 to column 2, line 4), and the two outer layers B comprises a resin of a polyolefin and a thermoplastic styrene elastomer (column 1, line 63 to column 2, line 4). Preferred examples of the crystalline polypropylene for layer A include block copolymers of ethylene, propylene, and butene-1, etc. (column 3, lines 57-65). Yamaoka also expressly teaches that the resin composition for the layer A may optionally contain additives, fillers, such as talc, clay, etc. (column 4, lines 19-24). While Yamaoka lacks an express teaching that one of the outer layer being a non-elastic polypropylene, it is noted that Arakawa's invention is directed to a laminated backing for medical adhesive tape, and Arakawa expressly teaches that the requisite of a base film for medical adhesive tapes is softness and elasticity, so as to be gentle to the skin (column 1, lines 36-60). Arakawa also teaches that only the first (outer, see Fig. 1) layer is elastic, and suitable first layer include a mixture of polypropylene and segmented polyolefin type elastomer (column 2, lines 12-38), whereas the second layer (next to adhesive layer) is selected from polypropylene, ethylene-propylene copolymer, etc., which does not show rubber elasticity at normal temperature, for improved toughness and strength (column 3, lines 15-38). As such, in the absence of unexpected results, it would have been obvious to one of ordinary skill in the art of medical adhesive tape to modify the Yamaoka's laminate film with one of the outer layer (next to the adhesive layer) being non-elastic thermoplastic resin, as taught by Arakawa, motivated by the desire to obtain a suitable soft laminated backing with improved strength for a medical adhesive tape.

For claims 23-24, Yamaoka teaches that the layer thickness is not specifically limited and can be optionally selected. Usually the overall thickness of the laminate film is in the range of about 15 to about 1,500 μm , while the thickness of each layer is in the range of about 2 to about 1,000 μm . Further, the thickness proportions of the layers (A) and (B) are not critical (column 7, lines 14-20). As such, it would have been an obvious optimization to one skilled in the art to modify the thickness of each layer in Yamaoka's laminate film based on the specific end use.

For claims 25 and 26, Yamaoka also teaches that the laminate film may be embossed on one side or both sides (column 8, lines 31-33), and can be surface-treated to improve the tackifier (adhesive) applicability by various methods such as corona discharge treatment, plasma treatment, flame treatment, acid treatment, etc. (column 8, lines 19-24).

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S Chang whose telephone number is 571-272-1474. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DANIEL ZIRKER
PRIMARY EXAMINER
GROUP 1300
1700

Daniel Zinker